

REFERENCE TITLE: automobile theft authority; membership; exception

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1181**

Introduced by  
Senators Jarrett, Bee: Representative Knaperek

AN ACT

AMENDING SECTION 41-3451, ARIZONA REVISED STATUTES; RELATING TO THE AUTOMOBILE THEFT AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 41-3451, Arizona Revised Statutes, is amended to  
3 read:

4                  41-3451. Automobile theft authority; powers and duties; fund;  
5                  audit

6       A. An automobile theft authority is established consisting of the  
7 following members:

8       1. Two police chiefs who are appointed by the Arizona chiefs' of  
9 police association, one of whom represents a city or town with a population  
10 of one hundred thousand or more persons and one of whom represents a city or  
11 town with a population of less than one hundred thousand persons, **OR THEIR**  
12 **DESIGNEES.**

13       2. Two sheriffs who are appointed by the Arizona sheriffs' association,  
14 one of whom represents a county with a population of five  
15 hundred thousand or more persons and one of whom represents a county with a  
16 population of less than five hundred thousand persons, **OR THEIR DESIGNEES.**

17       3. Two county attorneys who are appointed by the governor, one of whom  
18 represents a county with a population of five hundred thousand or more  
19 persons and one of whom represents a county with a population of less than  
20 five hundred thousand persons, **OR THEIR DESIGNEES.**

21       4. Two employees of insurers who are licensed to write motor vehicle  
22 liability insurance in this state and who are appointed by the governor.

23       5. Two members of the general public who are appointed by the  
24 governor.

25       6. The assistant director for the motor vehicle division in the  
26 department of transportation or the assistant director's designee.

27       7. The director of the department of public safety or the director's  
28 designee.

29       B. Members serve staggered four year terms beginning and ending on the  
30 third Monday in January. At the first meeting each year, the members shall  
31 select a chairman from among the members. The authority shall meet at the  
32 call of the chairman or seven members.

33       C. The authority may:

34       1. Hire staff members as necessary, including an executive director.  
35 The executive director's annual compensation shall not be more than  
36 seventy-five thousand dollars.

37       2. Provide work facilities and equipment as necessary.

38       3. Determine the scope of the problem of motor vehicle theft,  
39 including particular areas of the state where the problem is greatest.

40       4. Analyze the various methods of combating the problem of motor  
41 vehicle theft.

42       5. Develop and implement a plan of operation.

43       6. Develop and implement a financial plan.

44       7. Solicit and accept gifts and grants.

1       8. Report by December 31 of each year to the governor, the president  
2 of the senate, the speaker of the house of representatives, the secretary of  
3 state and the director of the Arizona state library, archives and public  
4 records on its activities during the preceding fiscal year.

5       9. ~~Report by December 31 of each year to the automobile theft  
6 authority committee on the authority's programs, the success of the programs,  
7 the authority's source of funding and the impact motor vehicle theft  
8 prevention programs have had on motor vehicle insurance costs.~~

9       D. If the chairman of the authority knows that a potential ground for  
10 the removal of a member of the authority exists under this subsection, the  
11 chairman shall notify the governor. The governor shall remove the member if  
12 the governor finds that any of the following applies:

13       1. The member was not qualified to serve at the time the member was  
14 appointed.

15       2. The member does not maintain the member's qualifications to serve.

16       3. The member cannot discharge the member's duties for a substantial  
17 part of the term due to illness or other disability.

18       4. The member is absent from more than one-half of the regularly  
19 scheduled meetings during a calendar year unless the member's absence is  
20 excused by a majority vote of the authority.

21       E. The automobile theft authority fund is established consisting of  
22 any public or private monies that the authority may receive. The automobile  
23 theft authority shall administer the fund. Subject to legislative  
24 appropriation, monies in the fund shall only be used to pay the expenses of  
25 the authority and to carry out the purposes of this section. Monies in the  
26 fund are exempt from the provisions of sections 35-143.01 and 35-190 relating  
27 to lapsing of appropriations. On notice from the authority, the state  
28 treasurer shall invest and divest monies in the fund as provided by section  
29 35-313, and monies earned from investment shall be credited to the fund.

30       F. The authority may accept nonmonetary contributions, including the  
31 services of individuals, office and secretarial assistance, mailings,  
32 printing, office equipment, facilities and supplies, that are necessary to  
33 carry out its functions. The nonmonetary contributions shall not be included  
34 in the costs of administration limitation prescribed by subsection H of this  
35 section.

36       G. The automobile theft authority shall allocate monies in the fund to  
37 public agencies for the purpose of establishing, maintaining and supporting  
38 programs that are designed to prevent motor vehicle theft, including:

39       1. Financial support to law enforcement and prosecution agencies for  
40 programs that are designed to increase the effectiveness of motor vehicle  
41 theft prosecution.

42       2. Financial support for programs that are designed to educate and  
43 assist the public in the prevention of motor vehicle theft.

44       H. The costs of administration shall not exceed ten per cent of the  
45 monies in the fund in any one year so that the greatest possible portion of

1 the monies available to the authority is expended on combating motor vehicle  
2 theft.

3 I. Monies expended from the automobile theft authority fund shall be  
4 used to supplement, not supplant, other monies that are available for motor  
5 vehicle theft prevention.

6 J. Each insurer issuing motor vehicle liability insurance policies in  
7 this state shall pay a semiannual fee of fifty cents per vehicle insured  
8 under a motor vehicle liability insurance policy issued by the insurer. The  
9 fee shall be fully earned and nonrefundable at the time the insurer collects  
10 the premium for the motor vehicle liability insurance policy. Each insurer  
11 shall transmit the fee on or before January 31 and on or before July 31 of  
12 each year to the automobile theft authority for deposit in the automobile  
13 theft authority fund. The payment due on or before January 31 shall cover  
14 vehicles insured under policies that are issued during the period from July 1  
15 through December 31 of the previous year. The payment due on or before July  
16 31 shall cover vehicles insured under policies that are issued during the  
17 period from January 1 through June 30 of the same year.

18 K. The authority shall cause an audit to be made of the automobile  
19 theft authority fund. The audit shall be conducted by a certified public  
20 accountant every two years. The authority shall file a certified copy of the  
21 audit with the auditor general immediately. The auditor general may make  
22 further audits and examinations as the auditor general deems necessary and  
23 may take appropriate action relating to the audit pursuant to chapter 7,  
24 article 10.1 of this title.

25 L. Authority members are not eligible to receive compensation but are  
26 eligible for reimbursement of expenses pursuant to title 38, chapter 4,  
27 article 2.

28 M. ~~This section does not apply to vehicles or vehicle combinations  
29 with a declared gross weight of more than twenty six thousand pounds. Motor  
30 vehicle liability insurance policies issued in this state for vehicles or  
31 vehicle combinations with a declared gross weight of more than twenty six  
32 thousand pounds are exempt from subsection J of this section.~~

33 Sec. 2. Requirements for enactment; two-thirds vote

34 Pursuant to article IX, section 22, Constitution of Arizona, this act  
35 is effective only on the affirmative vote of at least two-thirds of the  
36 members of each house of the legislature and is effective immediately on the  
37 signature of the governor or, if the governor vetoes this act, on the  
38 subsequent affirmative vote of at least three-fourths of the members of each  
39 house of the legislature.